

REMARKS

Applicant confirms that both named inventors were employed by the same entity with a common obligation to assign. However, it appears that the subject matter as currently claimed is the sole invention of Anthony C. Spearman.

Applicant would like to thank the Examiner for designating claim 11 allowed. However, Applicant respectfully submits that claims 12-13, 15-18, 20, 22, 28-29, and new Claims 30-32, which depend either directly or indirectly from claim 11 should also be deemed allowed and favorable action with respect to these claims is requested.

Claims 1-10, 12-13, 15-29 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 1-10, 12-13, 15-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,295,197 (hereinafter Watts, Jr. et al.) in view of U.S. Patent 6,549,773 (hereinafter Linden et al.) and further in view of U.S. Patent 5,796,832 (hereinafter Kawan) or alternatively in further view of U.S. Patent 6,453,371 (hereinafter Hampson et al.). It is respectfully submitted that Watts, Jr. et al., Linden et al., Kawan, and Hampson et al. individually or combined fail to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 1, 7, 10, 19, 20, 21 and 23 of the present application are independent claims drawn to wireless provisioning devices and systems comprising said wireless provisioning devices. The Examiner suggests that, among other things, the Watts Jr. et al. reference discloses a wireless card at column 9, lines 39-41. However, that section of the patent only makes reference to a "first communication device." If this language is construed as a reference to a wireless card, it would logically follow that the "second communication device" would refer to a network card.

Even if Applicant were to consent to this construction, it is pointed out that the first communication device and the second communication device

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cannot both be operational in the presence of the control module (Column 9, lines 46-52 and Column 10 lines 49-56). Therefore, unlike the claimed invention, the Watts Jr. et al. device cannot have both a network device and a wireless device operatively connected while a control module is engaged. Moreover, the Linden et al. does not provide an operating system but rather operating system functionality built into the browser code to facilitate browsing (Column 3, lines 35-50).

Even if Linden et al. provided an operating system, Watts Jr. et al. cannot be adapted to have the operating system of Linden et al. control the network card and the wireless card of Watts Jr. et al. since the principal objective of the Watts Jr. et al. device is to provide a control module to control the wireless device only, while also providing a jack assembly. It is physically impossible for an operating system, which is software, to provide the physical features of the control module, which is a piece of hardware (Column 3, lines 1-16). As a result, the combination of Watts Jr. et al. and Linden et al. would result in an inoperable device and therefore are not combinable. Furthermore, since the Watts Jr. et al. reference and the Linden et al. reference are uncombinable, the Kawan, and Hampson et al. references cannot serve to prevent patentability as tertiary references.

From the foregoing discussion, it is clear that Watts, Jr. et al., Linden et al., Kawan, and Hampson et al. do not describe or suggest a wireless provisioning device or wireless provisioning system as claimed by the present inventor. Thus, it is respectfully submitted that Claim 1, 7, 10, 19, 20, 21 and 23 are not unpatentably obvious over Watts, Jr. et al. in view of Linden et al., and further in view of Kawan, or Hampson et al. and are, therefore, in condition for allowance. Claims 2-6, 8-9, 19, 21, 24-27 and 30-33, depend, either directly or indirectly, from Claims 1, 7, 10, 19, 20, 21 and 23 and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent Claims 2-6, 8-9, 19, 21, 24-27 and 30-33 also not unpatentably obvious over Watts, Jr. et al. in view of Linden et al., and further in view of Kawan, or Hampson et al. and are, therefore, also in condition for allowance.

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Applicant submits that dependent claims 12-13, 15-18, 20, 22 and 28-29 are also in condition for allowance by virtue of both the arguments articulated above and their dependence from allowed claim 11.

IV CONCLUSION

In view of the above, 1-13 and 15-33 are pending and for the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted,

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